


EXPLANATION OF MATERIAL TRANSMITTED:


Acting DIRECTOR

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**FISH AND WILDLIFE SERVICE
OCCUPATIONAL SAFETY AND HEALTH**

Occupational Safety and Health

Part 240 Safety Program

Chapter 6 Employee Reports of Unsafe or Unhealthful Working Conditions

240 FW 6

6.1 What is the purpose of this chapter? This chapter outlines the procedures and responsibilities for reporting and responding to reports of unsafe or unhealthful working conditions.

6.2 Who does this chapter apply to? This chapter applies to Fish and Wildlife Service (Service) employees, volunteers, Youth Conservation Corps and Job Corps members, seasonal workers, and students.

6.3 What are the authorities for this chapter?

A. Public Law 91-596, Sec 19, Federal Agency Safety Programs and Responsibilities.

B. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.

C. 29 CFR 1960.28, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, Employee Reports of Unsafe or Unhealthful Working Conditions.

D. 29 CFR 1960, Subpart G, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, Allegations of Reprisal.

E. 485 DM 8.

6.4 What are the primary responsibilities associated with reports of unsafe or unhealthful working conditions?

A. The **Director** is responsible for ensuring that employee reports of unsafe and unhealthful working conditions are responded to in accordance with this chapter.

B. Chief, Division of Safety and Health is responsible for:

(1) Updating and revising this chapter, as necessary.

(2) Providing technical advice to the Regional/CNO Safety Managers, when requested.

C. Regional Directors/Manager, California/Nevada Operations Office (CNO) are responsible for ensuring that employee reports of unsafe and unhealthful working conditions within their areas of responsibility are responded to in accordance with this chapter.

D. Regional/CNO Safety Managers are responsible for:

(1) Assisting project leaders/supervisors with providing a safe and healthful workplace.

(2) Responding to informal and formal employee reports of unsafe or unhealthful working conditions as outlined in paragraphs 6.8 and 6.9.

(3) Maintaining an accurate record of the reported hazards and corrective actions taken.

(4) Providing technical advice to project leaders/supervisors or others who are analyzing reported hazards and determining corrective actions.

E. Project leaders/supervisors are responsible for:

(1) Providing employees a safe and healthful workplace.

(2) Promptly responding to reports of unsafe or unhealthful working conditions from employees. Imminent danger situations will be responded to immediately.

(3) Ensuring employees can report safety concerns and actively participate in the facility's safety program without fear of reprisal.

(4) Maintaining records of all reports of unsafe or unhealthful working conditions.

(5) Posting the OSHA required safety and health poster (see Exhibit 1). Various versions of this poster are in existence and are also appropriate.

(6) Ensuring employees are familiar with the contents of this chapter.

F. Employees are responsible for:

(1) Reporting safety hazards to their project leader or immediate supervisor.

(2) Complying with the safety requirements of their assigned tasks.

(3) Immediately correcting a safety hazard if it is within their capacity and is safe to do so.

6.5 What definitions are useful in understanding the requirements of this chapter?

A. Imminent Danger or Immediately Dangerous to Life and Health. Any condition or practice that could reasonably be expected to cause death or serious physical harm before normal corrective action can be taken.

B. Unsafe or Unhealthful Working Condition. Any hazard or potential hazard that could cause injury or illness. These include hazards that are physical deficiencies as well as unsafe actions.

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6.6 What is the Service's policy regarding reports of unsafe or unhealthful working conditions?

A. Employees have the right and are encouraged to report unsafe or unhealthful working conditions. This participation is important in identifying workplace hazards and allowing for their correction before injuries occur. Project leaders and supervisors are responsible for promptly analyzing and responding to such reports.

B. In no instance will an employee be subjected to restraint, coercion, discrimination, or reprisal for reporting an unsafe or unhealthful working condition. Additionally, employees have the right to refuse to perform a task because of a reasonable belief that the assignment poses an imminent danger or risk of serious bodily harm, and the reasonable belief that there is not enough time to correct the hazard using the reporting processes identified in this chapter.

C. Project leaders/supervisors are responsible for providing their employees a safe and healthful workplace and correcting identified safety deficiencies. This should not preclude immediate corrective action of a safety hazard by an employee if the correction is within their capacity and it is safe to do so. After taking such action, the employee should notify the project leader/supervisor. Project leaders/supervisors should monitor the workplace for the occurrence of similar hazards and ensure adequate corrective action is taken.

6.7 How do I report an unsafe or unhealthful working condition?

A. There is an informal and a formal process. You are encouraged to initially report a hazard using the informal process by verbally notifying the following individuals in the order shown, until the hazard is effectively addressed:

- (1) Your project leader/supervisor.
- (2) Your facility's Collateral Duty Safety Officer or local Safety Committee.
- (3) Your Regional/CNO Safety Manager.
- (4) Your Regional Director/CNO Manager.

B. At any point, you have the right to use the formal process by submitting a written report to your Regional/CNO Safety Office.

C. You also have the right to submit a report to the Occupational Safety and Health Administration. Information on this can be found at <http://www.osha.gov/as/opa/worker>

6.8 If I want to make a formal report, what should I do and what should I expect?

A. To formally report a hazard, you should send the Regional/CNO Safety Office a written summary of the hazard and its location, along with your name and phone number. You may use FWS Form 3-2228 (Hazard Report) or your Region/CNO may have a specific form for this purpose. If the hazard is an imminent danger or immediately dangerous to life and health situation, you can verbally notify the Regional/CNO Safety Office and send your written report afterwards. You can request that your name not be released, meaning your name can only be released to an authorized representative of the Secretary of Labor.

B. An inspection authorized by the Regional/CNO Safety Office will occur within 24 hours for an employee report of an imminent danger situation, within 3 working days for a potentially serious unsafe or unhealthful working condition, and within 20 working days for other than serious unsafe or unhealthful working conditions. You will be notified in writing within 15 calendar days for safety hazards and 30 calendar days for health hazards of the inspection results. An inspection may not be necessary, however, if through normal management actions, the reported hazard is quickly corrected. Also, if the Regional/CNO Safety Office determines that there are not reasonable grounds to believe that such a hazard exists and an inspection will not be made, you will be notified in writing of this determination within 15 calendar days.

6.9 What if I am not satisfied with the formal report results? If you are dissatisfied with the response from the Regional/CNO Safety Manager, you may appeal in writing to the Regional Director/CNO Manager. If the response from the Regional Director/CNO Manager is not satisfactory, you may make a written appeal to the Director, Fish and Wildlife Service. Appeal reviews will be completed within 20 working days from receipt. If you are dissatisfied with the response from the Director, you may make a written appeal to the Department of the Interior Designated Safety and Occupational Health Official. Send your appeal to the Office of Managing Risk and Public Safety, 1849 C Street, NW., Washington, D.C. 20240.



Occupational Safety and Health Protection For Employees of the Fish and Wildlife Service

The Occupational Safety and Health Act of 1970, Executive Order 12196, and 29 CFR 1960 require the heads of Federal agencies to furnish to employees places and conditions of employment that are free from job safety and health hazards. The Fish and Wildlife Service Safety and Occupational Health Program Covers All Personnel While On Duty and is Explained in the Service Manual Parts 240-242.

Responsibilities

1. General Requirements

The Director will furnish Service employees places and conditions of employment that are free from on-the-job safety and health hazards.

2. Regulations

The Service will comply with applicable safety and health regulations of the Occupational Safety and Health Administration and the Department of the Interior.

3. Respond to Hazards

The Service will respond to employee reports of hazards in the workplace. (240 FW 6)

4. Workplace Inspections

The Service will insure that each workplace is inspected annually for hazardous conditions by technically qualified personnel. Whenever possible, affected employees will be consulted concerning working conditions. (240 FW 5).

5. Correction of Unsafe Conditions

The Service will take prompt action to assure that hazardous conditions are eliminated. Imminent danger conditions will be corrected immediately.

6. Safety and Protective Equipment

The Service will acquire, maintain and require use of appropriate protective and safety equipment (240 FW 3).

7. Safety and Health Training

The Service will provide occupational safety and health training for employees (240 FW 3).

8. Reporting Accidents, Injuries and Occupational Illnesses

Supervisors must submit a supervisor's report of accidental injury/illness for all work-related accidents, injuries or occupational illnesses experienced by employees under their supervision at www.smis.doi.gov (240 FW 7).

9. Safety and Health Committees

The Service will support official safety and health committees.

Employee Responsibilities

1. Compliance with Standards

Employees will comply with all OSHA, Department of the Interior, and Service occupational safety and health standards, policies and directives.

2. Safety and Protective Equipment

Employees will use appropriate protective and safety equipment provided by the Service.

3. Report Hazards

Employees will report unsafe and unhealthful working conditions to the supervisor.

4. Report Accidents, Injuries, Illnesses

All job-related accidents, injuries, illnesses will be reported to the supervisor.

Rights of Employees and Their Representatives

1. Participation in Safety and Health Program

Employees and their representatives will have the right to participate in the Service Safety and Health Program. Employees will be authorized official time for these activities.

2. Access to Records and Documents

Employees and their representatives will have access to copies of applicable OSHA and other recognized standards and regulations; Service safety and health policies and directives; accident, injury and illness statistics of the Service.

3. Reporting Hazards

Employees and their representatives will have the right to report unsafe or unhealthful working conditions to appropriate officials and to request an inspection of the workplace. The name of the employee making the report will be kept confidential if requested.

4. Freedom from Fear of Reprisal

Employees and their representatives are protected from restraint, interference, coercion, discrimination, or reprisal for exercising any of their rights under the Service Safety and Health Program.

Responsible Officials

The Designated Agency Safety and Health Official (DASHO) for the Service is the Assistant Director - Business Management and Operations.

The Collateral Duty Safety Officer for this workplace is:

and may be contacted at

(Telephone and location)

Further Information

This notice highlights the U.S. Fish and Wildlife Service's employee job safety and health program. More information about the safety and health program or its standards and procedures may be obtained from the workplace Collateral Duty Safety Officer.